BELLSOUTH TELECOMMUNICATIONS, INC.

REBUTTAL TESTIMONY OF ERIC FOGLE

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET NO. 2003-326-C

MARCH 12, 2004

Q. PLEASE STATE YOUR NAME, YOUR POSITION WITH BELLSOUTH TELECOMMUNICATIONS, INC. ("BELLSOUTH") AND YOUR BUSINESS ADDRESS.

A. My name is Eric Fogle. I am employed by BellSouth Resources, Inc., as a Director in BellSouth's Interconnection Operations Organization. My business address is 675 West Peachtree Street, Atlanta, Georgia 30375.

Q. PLEASE PROVIDE A BRIEF DESCRIPTION OF YOUR BACKGROUND AND EXPERIENCE.

A. I attended the University of Missouri in Columbia, where I earned a Master of Science in Electrical Engineering Degree in 1993 and Emory University in Atlanta, where I earned a Master of Business Administration degree in 1996. After graduation from Missouri, I began employment with AT&T as a Network Engineer, and joined BellSouth in early 1998 as a Business Development Analyst in the Product Commercialization unit. From July 2000, through May 2003, I was responsible for the Wholesale Broadband

Marketing group within BellSouth. I assumed my current position in June 2003. First, as a Business Analyst, and then as the Director of the Wholesale Broadband Marketing Group, I have been actively involved in the evolution and growth of BellSouth's DSL based services as well as the underlying technology.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is to rebut the direct testimony of Mr. Van de Water and Mr. Bradbury on behalf of AT&T Communications of the Southern States, LLC ("AT&T"), and Ms. Lichtenberg on behalf of MCI WorldCom Communications, Inc. and MCIMetro Access Transmission Services, Inc. ("MCI") by demonstrating that BellSouth has in place a hot cut process for loops that involve Line Sharing and Line Splitting xDSL services during UNE-P to UNE-L migrations. My testimony also demonstrates, contrary to any suggestion of Ms. Lichtenberg, that BellSouth has voluntarily involved the Competitive Local Exchange Company ("CLEC") community in the development of this process, including prioritization of BellSouth work efforts regarding Line Sharing, Line Splitting and various subsequent migration scenarios in which the CLECs are just now becoming interested.

Q. ALL PARTIES HAVE DIRECTED THIS COMMISSION TO VARIOUS PORTIONS OF THE TRO AND THE RULES IN SUPPORT OF THEIR

POSITIONS IN THEIR DIRECT TESTIMONY. WHAT IS THE IMPACT OF THE D.C. CIRCUIT COURT OF APPEALS ORDER ON THE TRO IN THIS PROCEEDING?

A. Currently the impact of the DC Circuit Court's opinion is unclear. At the time of filing this testimony, the DC Court had vacated large portions of the rules promulgated as a result of the TRO, but stayed the effective date of the opinion for at least sixty days. Therefore my understanding is that the TRO remains intact for now, but its content, and the rules adopted thereto, must be suspect in light of the court's harsh condemnation of large portions of the order. Accordingly, I will reserve judgment, and the right to supplement my testimony as circumstances dictate, with regard to the ultimate impact of the DC Court's order on this case.

Q. PLEASE DESCRIBE WHAT YOU MEAN BY A UNE-P AND A UNE-L.

A. A UNE-P is a combined loop and port. For a UNE-P, the loop and port are combined in BellSouth's network. A UNE-P does not require any additional elements, nor does UNE-P require either collocation or additional switching capability in order to provide a functioning service for the end-user. A UNE-L is a standalone UNE Loop, and requires collocation and additional switching capability (both provided by the

facilities based CLEC) in order to provide a functioning switched voice service for the end-user.

Q. WHAT IS LINE SPLITTING?

A. Line splitting occurs when a voice CLEC provides voice service and a data local exchange company ("DLEC") provides the xDSL service (in some cases the xDSL and voice services are provided by the same CLEC). This dual provider arrangement is known as Line Splitting. BellSouth facilitates Line Splitting as a service to CLECs and DLECs, to accommodate the sharing of the spectrum between the voice and data services provided by each carrier. As part of this service, BellSouth will provide cross-connects, and, if requested, a frequency splitter (although BellSouth is not obligated to provide the splitter by the TRO). In this role, BellSouth simply acts as a facilitator between the CLEC and the DLEC.

Q. HOW DOES A UNE-P WORK WITH LINE SPLITTING?

A. When a carrier with an existing UNE-P combination enters into a Line Splitting arrangement with another carrier, the loop that has historically been used to serve the customer is no longer combined with the port, therefore breaking up the UNE-P platform. Instead, central office work is performed to cross-connect the loop to a splitter, which one of the CLECs usually owns. The splitter separates the frequency used to provide the

voice service from the frequency used to provide the data services. From there, another collocation cross-connection is used to carry the voice signal to the port on the voice CLEC's switch, while the data signal is carried to the DLEC's network. Thus, the loop and port are no longer combined but, rather, are separated by two collocation cross-connections and a piece of CLEC-provided equipment. Exhibit EF-1 depicts a typical line splitting arrangement. Exhibit EF-2 depicts a typical UNE-P arrangement. As can be clearly seen by comparing the two drawings, the line splitting arrangement bears little resemblance to the UNE-P arrangement, and it is obvious that the UNE loop and port services purchased by the CLECs for the purposes of line splitting are very different from the UNE-P purchased by the CLECs.

Q. ON PAGE 44, MR. VAN DE WATER DEFINES LINE SPLITTING SERVICES AS "UNE-P BASED." IS THIS CHARACTERIZATION ACCURATE?

A. No. This is a common misconception throughout the industry. Line Splitting cannot be provisioned over a UNE-P. The UNE-P (also known as UNE Platform) is only a combined UNE Port and a UNE Loop. By FCC definition it is impossible to have Line Splitting via UNE-P. In order to use a UNE-P facility for Line Splitting, the CLEC must convert the UNE-P to a loop and port as the FCC clearly explained in the Texas 271 Order, ¶ 325. ("For instance, if a competing carrier is providing voice service using the UNE-platform, it can order an unbundled xDSL-capable loop terminated to

a collocated splitter and digital subscriber line access multiplexer ("DSLAM") equipment and unbundled switching combined with shared transport, *to replace its existing UNE-platform arrangement* with a configuration that allows provisioning of both data and voice services.")(emphasis added).

This Commission relied heavily on this language in the Texas 271 Order in its Order in the BellSouth-IDS arbitration proceeding. *See* Order on Arbitration, *In Re: Petition of IDS Telecom, LLC for Arbitration of a Proposed Interconnection Agreement with BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. Section 252(b)*, Order No. 2001-286 in Docket No. 2001-19-C at p. 25 (April 3, 2001). In that proceeding, the Commission found "that when a CLEC, providing voice service through a UNE-P combination, requests to convert to a line splitting arrangement, the UNE-P arrangement is replace by individual network elements." *Id.* at p. 29.

Accordingly, a UNE-P cannot be used in a Line Splitting environment but rather would need to first be converted to a shared UNE Loop, a UNE Port and cross connects. The shared UNE Loop used in this scenario is often referred to as a "shared loop".

The UNE-L is just that, a standalone UNE Loop that runs from the ultimate end-user to a collocation cage in the serving wire center. To use a UNE-L in a Line Splitting environment, the CLEC would need to have the

necessary equipment in their collocation cage connected to the UNE-L. Accordingly, a UNE-L is but one piece of a total Line Splitting solution.

Q. WHO OWNS THE SPLITTER IN A LINE SPLITTING ARRANGEMENT?

A. Under the TRO, the CLEC is responsible for owning the splitter. Since BellSouth is not providing either the voice or data service to the end-user, it is not necessary for BellSouth to be involved between the two CLECs.

Q. ON PAGE 45, MR. VAN DE WATER MENTIONS THAT LINE SPLITTING IS NOT INCLUDED IN BELLSOUTH'S CURRENT BATCH HOT CUT PROCESS. PLEASE COMMENT.

A. With a CLEC-owned splitter, which is all that the TRO requires, the CLEC can manage their own 'hot cut' process for the voice service, without any involvement or coordination from BellSouth. The CLEC would simply disconnect the BellSouth switch port within its collocation space when moving the voice customer to its own switch port. A subsequent set of orders can then be placed to disconnect the BellSouth switch port that is no longer in use, and change the records associated with the loop facility to support the new service arrangement. The responsibility for the migration (if any) of the data service in this scenario lies with the CLEC who owns the splitter. Conversions of line-splitting are not encompassed in BellSouth's batch migration process because that process applies only

to UNE-P to UNE-L migrations and, as described above, line splitting does not utilize UNE-P.

Q. HOW IS THE HOT CUT PROCESS DIFFERENT IF BELLSOUTH OWNS AND MAINTAINS THE SPLITTER, RATHER THAN THE DLEC OWNING AND MAINTAINING THE SPLITTER?

A. CLECs have the option in many situations of utilizing a BellSouth-owned splitter. CLECs need to weigh this option against the benefits of owning their own splitters. Introduction of any third party (in this case BellSouth) ownership of the splitter may add possible down time for the end user during migrations. Additionally, if the existing Line Sharing or Line Splitting scenario is with a BellSouth owned splitter and the CLEC is migrating to a UNE-L, this requires a change from a BellSouth owned splitter to a CLEC owned splitter. This change requires altering cabling and accordingly the CLEC's end user will experience some xDSL service down time until the responsible CLEC completes the new cabling on their splitter.

If the existing Line Sharing or Line Splitting scenario is currently provisioned with a CLEC owned splitter, it is possible that no change in the splitter cabling would be necessary at the moment the CLEC migrates to a UNE-L. However, that is totally under the control of the CLEC, and only the CLEC would be able to determine the impact.

Q. IS IT POSSIBLE TO HAVE A VOICE SERVICE MIGRATION WITHOUT ANY INTERRUPTION OF CLEC'S DSL SERVICE?

A. Absolutely. With a CLEC-owned splitter, the CLEC can complete the hot cut of the voice service without interruption to the DSL service. In fact, unless the CLEC wants to move the DSL service, it is not necessary for any changes to be made to the DSL service.

Q. DOES THE BATCH HOT CUT PROCESS APPLY TO LINE SPLITTING?

A. No, BellSouth's batch hot cut process only applies to UNE-P to UNE-L conversions which were the subject of the TRO. As explained above, by FCC definition, Line Splitting cannot be accomplished using UNE-P and accordingly, the batch process is not applicable to hot cuts for lines that involve Line Splitting. CLECs can submit these orders, however, via the individual hot cut process. Given the low volume of line sharing and line splitting arrangements (less then 5 line splitting and less then 5 line sharing) in South Carolina today, the batch process is not necessary to convert the embedded base.

Q. WOULD YOU PLEASE EXPLAIN WHY LINE SPLITTING WITH UNE-L, CLEC PROVIDED SWITCHING, AND CLEC-OWNED SPLITTER IS JUST NOW BECOMING AN ISSUE FOR CLECS?

A. Regulatory requirements for Line Splitting with CLEC provided switching and a CLEC-owned splitter is a totally new concept. Until October 2, 2003, Line Splitting was only available via a UNE Port, a UNE Loop, and collocation cross connects. The FCC, in its Triennial Review Order on page 10 of the Rules (§51.319(a)(1)(ii)(A)) for the first time expanded the definition of Line Splitting to include CLEC provided switching. Accordingly, now that the telecommunications industry has had time to read and digest the many changes contained in the FCC's Triennial Review Order, new ways of delivering xDSL services to end users are just now being considered and evaluated. Because this is all so new to all involved parties, it is just now being discussed between BellSouth and CLECs.

Q. HAS BELLSOUTH TAKEN STEPS TO FACILITATE LINE SPLITTING WHEN A CLEC PROVIDES ITS OWN SWITCHING?

A. Yes. In its purest form, Line Splitting with a CLEC providing its own switching requires almost no effort on BellSouth's part. BellSouth's obligation is to insure that the CLECs have the ability to order the UNE-L from the end user to their collocation cage in the serving wire center. All other requirements to effectuate Line Splitting with CLEC provided switching are under the exclusive control of the CLEC and are the responsibility of the CLEC, not BellSouth. However, BellSouth has

voluntarily gone beyond its obligations to assist the CLEC in facilitating various Line Splitting scenarios via the BellSouth/CLEC Line Sharing and Line Splitting Collaborative, as discussed later in this testimony.

Q. HOW MANY CLEC XDSL LINES ARE POTENTIALLY AFFECTED BY THESE CONVERSIONS?

A. As of December 31, 2003, in South Carolina BellSouth had a total of 4 Line Splitting lines in service, and only 1 Line Sharing line in service. In the most unlikely event that all Line Sharing lines in service in South Carolina converted to Line Splitting, and then all Line Splitting converted to UNE-L, the maximum total potential number of lines would only be 5. This hypothetical total conversion of all shared loop lines in South Carolina to Line Splitting via UNE-L, 5 is approximately 0.004% of all CLEC owned UNE-P and UNE loops in South Carolina.

Q. ON PAGE 45, MR. VAN DE WATER STATES “WHILE THERE IS NO TECHNICAL REASON THAT THE OUTPUT OF THE BELLSOUTH SPLITTER COULD NOT BE HOT CUT TO THE VOICE CLEC DIRECTLY FROM THE MDF, AS A MATTER OF POLICY, BELLSOUTH REFUSES TO DO IT.” PLEASE COMMENT.

A. What Mr. Van de Water notably fails to mention is that BellSouth is not obligated to provide a splitter by the TRO. Thus, while BellSouth

welcomes requests from CLECs for new services provided at market based rates, there is no obligation under the TRO for BellSouth to continue to facilitate line splitting between CLECs and DLECs by providing splitter functionality, if enough CLECs or DLECs wished to purchase BellSouth's splitter functionality at market base rates to facilitate combining voice and data services where an existing BellSouth offering is not already available, then BellSouth would be willing to pursue development of such an offering.

Q. ON PAGE 45-46, MR. VAN DE WATER STATES "THE ONLY PRACTICAL PROCESS AVAILABLE IN BELLSOUTH TERRITORY BY WHICH CLECS AND DLECS CAN IMPLEMENT UNE-L LINE SPLITTING TODAY IS THROUGH THE USE OF PRE-WIRED (DEDICATED) CAGE-TO-CAGE CABLING BETWEEN THEIR RESPECTIVE COLLOCATIONS TO ENABLE INTERCONNECTION OF THE NECESSARY EQUIPMENT…" HE GOES ON TO EXPLAIN IN A FOOTNOTE THAT "CLECS COULD THEORETICALLY INSTALL NON-DEDICATED CAGE-TO-CAGE CABLING BETWEEN THEIR COLLOCATIONS, BUT THIS WOULD REQUIRE A DISPATCH TO EACH PARTY'S COLLOCATION CAGE TO IMPLEMENT EACH NEW VOICE/DSL CUSTOMER'S SERVICE." WHICH APPROACH IS ACTUALLY MORE FEASIBLE?

A. Dispatching on every DSL order is actually more feasible than providing dedicated cabling at the considerable expense Mr. Van de Water describes. BellSouth's current process for wiring DSL customers requires

a dispatch to the remote terminal, or at the main distribution frame in the central office, for every new DSL order. Even at high DSL order volumes, this approach is more cost effective than wiring dedicated cabling between DSLAMs and voice switches. With the penetration rate of DSL service is less then 4% of voice lines in South Carolina, it does not make sense to utilize dedicated wiring for such a low take rate.

Q. ON PAGE 46, MR. VAN DE WATER DESCRIBES SUPPOSED OPERATIONAL CONCERNS ASSOCIATED WITH CAGE-TO-CAGE CROSS CONNECTS (AND THE ASSOCIATED CFAS) AND ROUTING OF THE CLEC'S VOICE PATH THROUGH A DLEC'S COLLOCATION SPACE. HOW SIMPLE ARE THE MITIGATING SOLUTIONS TO BOTH OF THESE 'CONCERNS'?

A. If the CLECs share the concerns that Mr. Van De Water has alluded to, then they have a relatively simple solution that they can employ to mitigate almost all of his concerns. Specifically, the voice CLEC could install and maintain its own splitters, and it could approach BellSouth to provide technician dispatches at market rates.

Q. HOW DOES HAVING THE VOICE CLEC PROVIDE ITS OWN SPLITTERS MITIGATE MANY OF THE CONCERNS THAT MR. VAN DE WATER RAISES?

A. By installing and maintaining its own splitter in the CLECs collocation cage, the CLEC's voice service will no longer pass through the DLEC's collocation cage. Since the DLEC is no longer in the voice path, they would not be required to troubleshoot voice service troubles with the CLEC and ILEC. In addition, the DLEC could pre-wire a number of DSLAM ports to the cables coming from the splitter, which would reduce dispatch costs, since only the CLEC would need to dispatch for wiring once a DSL order is received. This method would allow all other voice service wiring procedures to remain 'as is,' and would only require modifications for the relatively few customers that desire DSL service. For those dispatches that do remain, the CLECs could approach BellSouth to develop a market based agreement to provide dispatch services for the CLECs. Because BellSouth is the party most likely to have trained technicians located at or near the CLEC's collocation cage, a market based rate would likely save the CLECs considerable costs associated with dispatching technicians to central offices.

Q. MR. VAN DE WATER DESCRIBES THE NEED FOR ADDITIONAL CFA ASSIGNMENTS IN ORDER TO BE ABLE TO CONNECT DLEC-PROVIDED DSL SERVICES WITH CLEC-PROVIDED VOICE SERVICES. HOW DIFFICULT IS KEEPING THE RECORDS BETWEEN THE DLEC AND CLEC?

A. Managing CFAs and other assignments is a core functionality of any telephone company. With the number of customer records, the complexity

of managing facility assignments throughout the network, and interconnection agreements with ILECs, IXCs and others, managing customer and network records is critical to the ongoing business of any CLEC. The requirements for CLEC to DLEC CFAs is no less, or no more, complicated than any other type of record keeping, and the CLECs have no relative advantage, or disadvantage to BellSouth when it comes to keeping records.

Q. BASED ON THE MITIGATING ALTERNATIVES DESCRIBED ABOVE, HOW ACCURATE ARE THE 'COSTS' DESCRIBED BY MR. VAN DE WATER FOR USING A LINE SPLITTING ARRANGEMENT WITH CLEC PROVIDED SWITCHING?

A. As described above, dispatching technicians to 'recreate' the facility connections when adding a DLEC provided DSL service is the most economically feasible alternative. Now that a technician is available to recreate the DSL connection, re-using the formerly voice only DLC port is a valid option. Therefore, 88% of the 'costs' described by Mr. Van De Water are no longer warranted.

Q. PLEASE EXPLAIN HOW CLECS AND DLECS CAN IMPROVE THIS PROCESS WITHOUT REQUIRING ANY INVOLVEMENT FROM BELLSOUTH.

A. CLECs could best serve themselves by strengthening the arrangements they have amongst themselves. As explained in this testimony, BellSouth is merely a facilitator of Line Splitting and not actually a directly involved party with the end-user. All of the necessary components for Line Splitting are currently available to CLECs. It must be noted that much of the necessary work when migrating to Line Splitting via UNE-L needs to be done by the CLEC. Accordingly, the CLEC has considerable control over the extent of down time the CLEC xDSL end user would experience. Just like BellSouth, CLECs need to develop the necessary new processes, test them, enhance them, and refine them to the point where they are operationally efficient in order to minimize end user down time.

Q. DO ANY OF THE ABOVE MENTIONED MIGRATION SCENARIOS REQUIRE USE OF AN ASR?

A. No, for all Line Splitting scenarios, and migrations to Line Splitting, CLECs only need to use existing LSR processes. ASRs are not needed for any currently available components needed for Line Splitting.

Q. ARE THERE ANY SCENARIOS WHERE PLACING MULTIPLE ORDERS ARE REQUIRED TO DO A SINGLE CONVERSION?

A. There are a few situations that may require two LSRs be submitted. The first such situation would be where an end user is moving from one

location to another. In order to establish a shared loop scenario (Line Sharing or Line Splitting via a UNE Loop, UNE Port and cross connects) the loop at the customers new address must first have dial tone established. Accordingly, this would require two orders, one for the voice service and a second to establish the loop sharing. However, these orders can be "related" and worked together. A second scenario would be where an end user desires to establish an additional line with xDSL at their location. As with the above, the voice service must be established first, and then the loop sharing may be established. Again, these orders can be "related" and worked together. The third such scenario would be where the end user currently does not have data and desires to change voice providers from BellSouth to a CLEC and add a shared loop. In this case, if the end user is changing any of the existing voice service (adding, deleting features, etc.) two orders would be necessary. As stated above however, any of the remaining types of migrations can be accomplished with a single LSR.

Q. WHAT EFFORTS HAVE BEEN MADE BY CLECS AND BELLSOUTH TO DEVELOP PROCESSES AND PROCEDURES FOR SHARED LOOP CONVERSIONS?

A. Since the inception of Line Sharing and Line Splitting, BellSouth voluntarily established the BellSouth/CLEC Line Sharing/Line Splitting Collaborative. BellSouth developed its shared loop products (Line Sharing

and Line Splitting) through a collaborative process with all interested CLECs. BellSouth invited CLECs to a collaborative meeting in Atlanta on January 26, 2000. Twelve CLECs participated in the meeting. The participants agreed to form several working teams to develop, test, and refine the procedures for pre-ordering, ordering, and provisioning the High Frequency Portion of the Loop ("HFPL") UNE so that CLECs and BellSouth could implement line sharing successfully. The first meeting of the working teams was held on February 2, 2000. The participants jointly decided to have two sub-committees: a technical sub-committee and a systems/process sub-committee. Each sub-committee would meet one day each week. The technical sub-committee worked on technical issues, such as systems/network architecture and testing. The systems/process sub-committee focused on the pre-ordering, ordering, provisioning, maintenance, and billing issues associated with line sharing. Each sub-committee listed and prioritized issues and action items. The sub-committees addressed and resolved issues essential to the development of the architecture and operations plan for the line sharing product. Beginning April 12, 2000, the collaborative consolidated the two sub-committees, and the full committee then conducted the collaborative meetings on one full day each week. Subsequently the Collaborative changed the meeting schedule to one half day, twice per month.

BellSouth also provides a web site for Line Sharing and Line Splitting information including meeting logistics, meeting minutes, process flow and procedures. The web site can be found at

http://www.interconnection.bellsouth.com/markets/lec/line_sharing_collab/index.html

Q. WHO IS REPRESENTED IN THE BELLSOUTH / CLEC LINE SHARING AND LINE SPLITTING COLLABORATIVE?

A. Since its inception, the following are some of the companies providing representation and input to the Collaborative: Aircovr, Al-Call, AT&T, BellSouth, BlueStar, Covad, Duro Communications, MCI/WorldCom, MTA Consulting, Network Telephone, New Edge, NorthPoint, Rhythms, Sprint, Volaris, and WebShoppe.

Q. HAVE THE CLECS AND DLECS EXPRESSED ANY INTEREST IN THE VARIOUS HOT CUT SCENARIOS YOU HAVE DESCRIBED EARLIER?

Yes, just recently, but their interest has been very limited and generally only relates to a few specific situations. The first such expression of CLEC interest was raised during the September 18, 2003 BellSouth/CLEC Line Sharing and Line Splitting Collaborative ("Collaborative"). A CLEC requested an agenda item to address BellSouth's plans to support Line Splitting OSS changes based on the recent TRO requirements. At the next Collaborative this issue was listed on the Agenda as a discussion item as requested by the CLEC however, in accordance with Collaborative policy, because the requesting CLEC was not in attendance, the

discussion was tabled until the next scheduled meeting. During the October 16, 2003 Collaborative meeting the CLEC's issue was specifically identified as BellSouth's readiness to provide Line Splitting with CLEC voice via CLEC switch in an electronic ordering environment with seamless provisioning.

Q. DOES BELLSOUTH'S HOT CUT PROCESS ON LINE SHARING AND LINE SPLITTING APPEAR TO BE A SIGNIFICANT CONCERN TO THE CLECS?

A. No, at least not according to their actions. The CLECs' have expressed interest in BellSouth developing various migration scenarios; however, all such migration scenarios discussed in the January 29, 2004 Collaborative are currently available. The CLECs' have not provided the priorities of additional development for migration scenarios that BellSouth does not already have available. Lack of prioritization for migration scenarios that are currently not available, in the appropriate forum for them to work with BellSouth to effectuate change indicates that hot cuts impact on xDSL service are not currently of significant concern to them.

Q. PLEASE EXPLAIN HOW BELLSOUTH DECIDES WHICH DLEC REQUESTS IT WILL WORK ON, AND WHEN?

A. Since the inception of Line Sharing and Line Splitting, BellSouth has continually solicited input, direction and prioritization from CLECs via the

BellSouth/CLEC Line Sharing/Line Splitting Collaborative, of which AT&T, MCI/WorldCom, Sprint, Covad, and several others are members. Basically, BellSouth asks the CLECs to provide a prioritized list of the CLEC's requests for enhancements, changes, modifications, etc. to Line Sharing /Line Splitting. The listing is then presented to the Collaborative where the items and related prioritization is voted on and approved by the Collaborative. BellSouth then uses the consolidated and Collaborative approved prioritized listing of projects as guidance to determine the work activity of the BellSouth internal team for product development under manual ordering – electronic ordering follows the Change Control guidelines for prioritization & scheduling. The attached exhibit EF-3 shows the most current CLEC prioritization of Line Splitting migrations that have been completed by BellSouth.

Because of the recentness of the TRO and the lack of any significant quantity of Line Splitting sales (including migrations to Line Splitting) within the BellSouth region, the request for migrations and or hot-cuts to or from Line Splitting has just recently been received by BellSouth. As of the January 29, 2004 BellSouth/CLEC Line Sharing and Line Splitting Collaborative, the CLECs have not yet fully defined or developed any requests not already available from BellSouth, let alone prioritized them. Once received from the CLECs, BellSouth will have the CLECs prioritize and then vote to approve the prioritization of the desired UNE-L migrations, including any hot cut scenarios.

Q. HAVE THE CLECS FORMALLY REQUESTED BELLSOUTH TO BEGIN WORK ON ESTABLISHING ANY ADDITIONAL PROCEDURES, ETC. FOR HOT CUTS OR MIGRATIONS TO UNE-L AS EXPLAINED ABOVE?

A. No. That is what is confusing. As previously mentioned, the CLECs are raising many of these issues to this Commission but have yet to provide BellSouth with a prioritized listing of what they are desiring that isn't already available from BellSouth.

Q. ON PAGE 37 OF HIS TESTIMONY, MR. BRADBURY STATES "ADDITIONALLY, EXCEPT WHEN THE IDLC CUSTOMER CAN BE PLACED ON A COPPER LOOP LESS THEN 18,000 FEET IN LENGTH CLECS ARE DENIED THE CAPABILITY TO PROVIDE DSL SERVICE TO THEIR CUSTOMERS." PLEASE EXPLAIN WHAT CAPABILITIES CLECS HAVE TO CONTINUE TO PROVIDE BROADBAND SERVICES TO THEIR END USERS.

A. CLECs have numerous options available for serving the broadband needs of their end-user customers in cases other then where IDLC customers can be placed on a copper loop less then 18,000 feet. Specifically, any CLEC can: (1) place its own DSLAM at the DLC remote terminal as BellSouth does in such a situation, (2) provision the end-user customer with Integrated Services Digital Network ("ISDN") Digital Subscriber Line ("IDSL") service, (3) Provide the customer with a dedicated T1 connection,

(4) partner with a cable broadband provider to provide cable modem broadband service, (5) purchase BellSouth's tariffed wholesale DSL offering, (6) deploy a fixed wireless broadband technology, and (7) partner with a satellite broadband provider.

Q. PLEASE SUMMARIZE YOUR TESTIMONY.

A. As becomes readily apparent from the above testimony, BellSouth already has in place the needed processes to handle all known CLEC requested migration scenarios. In particular, if the CLEC owns the splitter, as it is obligated to do, the CLEC can cut a loop from the BellSouth switch port to a CLEC switch port using its own processes without interruption to the DSL service. In addition, BellSouth has demonstrated that CLECs are not harmed in any way with a conversion of Line Splitting via UNE Loop, UNE Port and cross connects to a UNE-L. In addition to the requirements, BellSouth has, is, and will continue to voluntarily provide various items at market based rates to assist the CLEC community with better serving their end user customers. Additionally, BellSouth has had a long-standing forum for CLECs to bring their new ideas, needs and requests to the attention of BellSouth, the BellSouth/CLEC Line Sharing and Line Splitting Collaborative. Through this Collaborative not only are the CLECs able to assist with the development of the various offerings, enhancements, etc., they additionally have significant input into the prioritization of the BellSouth work effort. As of the last Collaborative meeting, January 29,

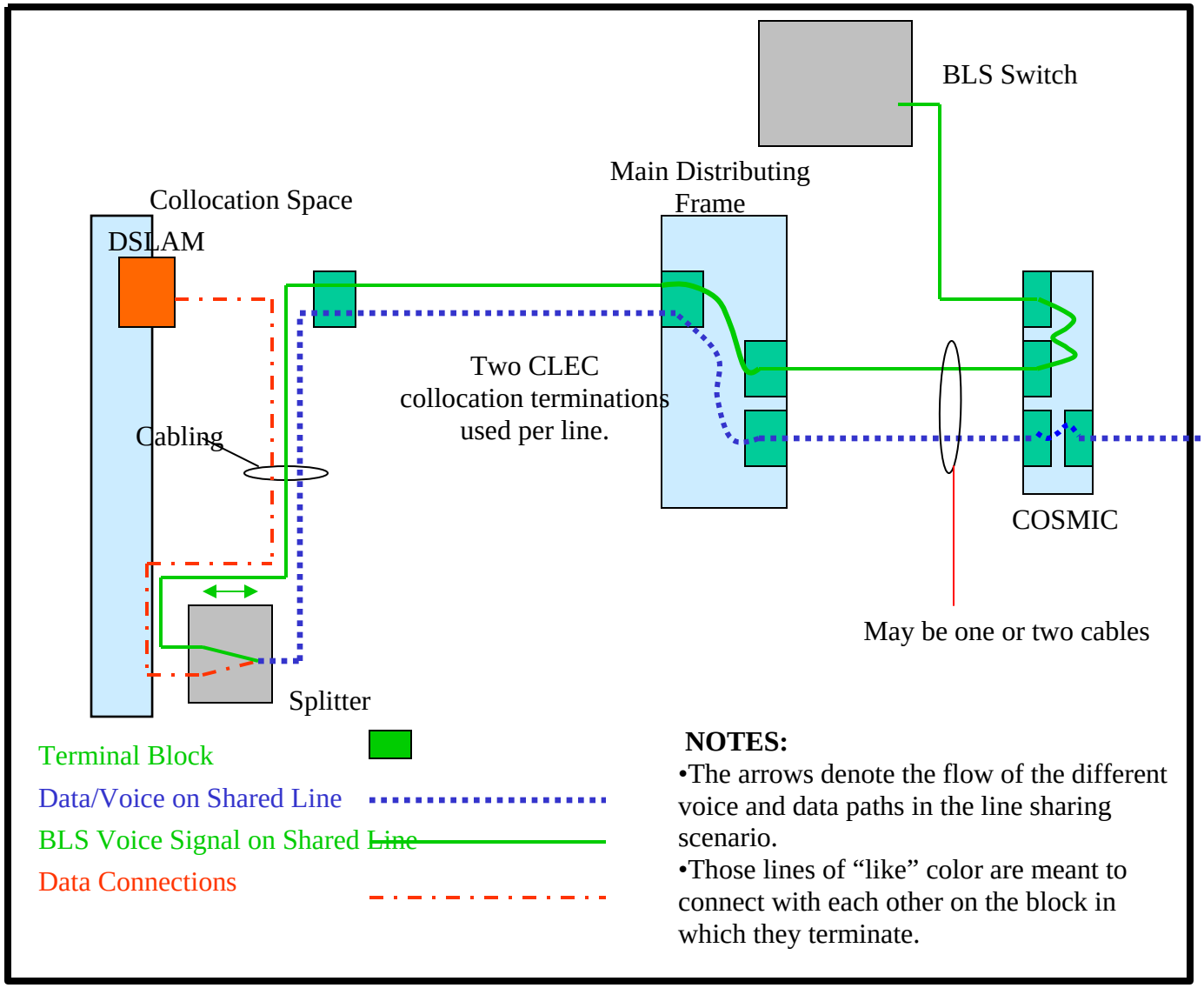
2004, the CLECs had not yet formulated their requests for any conversion scenarios to or from Line Splitting that are not already available from BellSouth. BellSouth has continually demonstrated that it is diligent, prompt and attentive to the requests of the CLECs, and is committed to remain so. To that end, even though BellSouth stands ready and waiting, CLECs have not provided any additional detailed process requests, nor prioritized any additional BellSouth work efforts to help facilitate xDSL migrations with UNE-P to UNE-L or subsequent migrations not already available from BellSouth, even though the collaborative meetings with BellSouth has given them ample opportunity to do so.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes. Thank you.

CO-Based Line Splitting

Exhibit EF-1

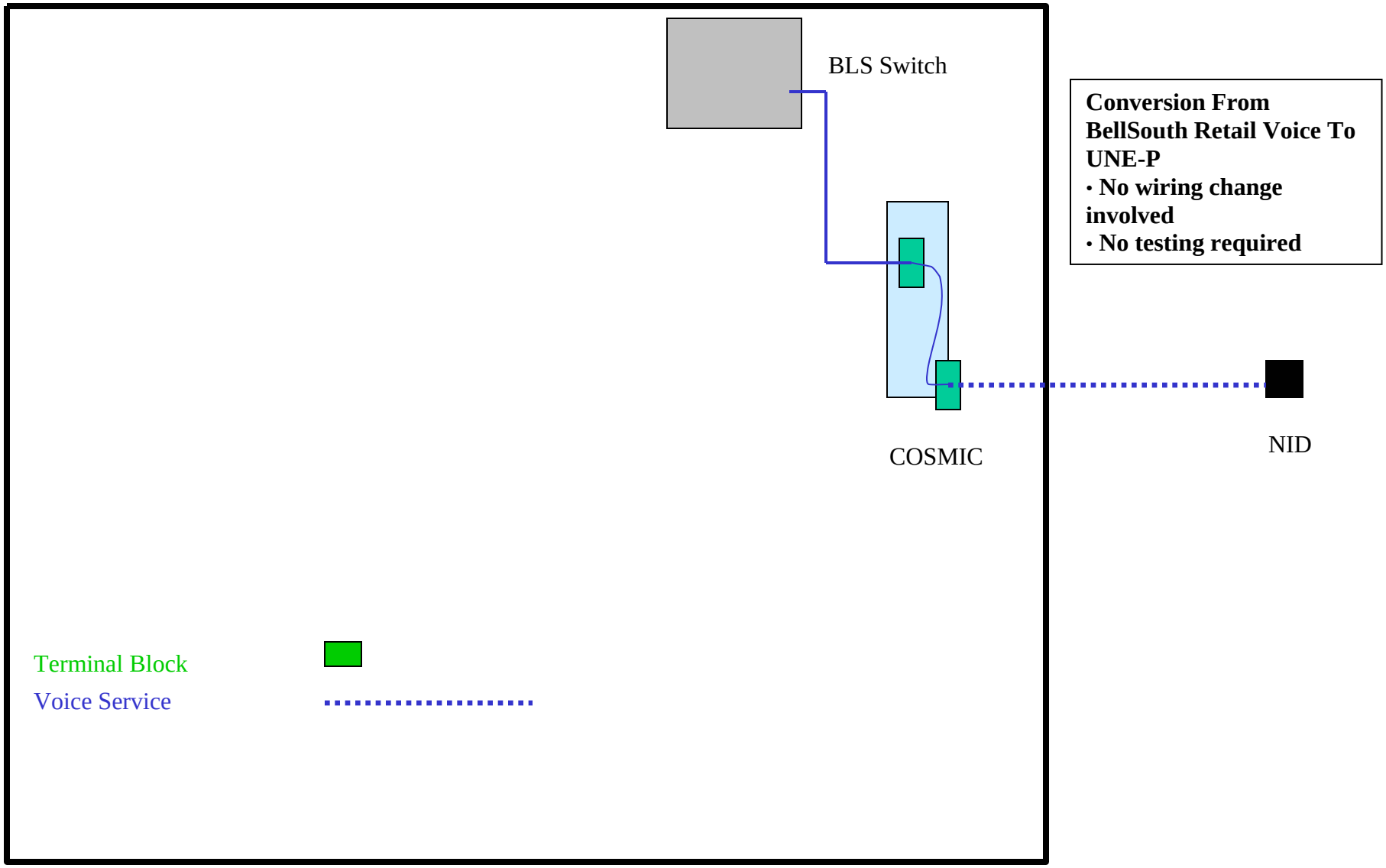


Conversion From UNE-P To Line Splitting

- **Remove 1 Cross-Connection**
- **Make 4 new Cross-Connections**
- **Test voice and data**

CLEC Voice on BST UNE-P

Exhibit EF-2



LINE SPLITTING MIGRATION OPTIONS DELIVERED TO DATE

Ref	Change		Voice Provider		Data Provider		CO Work	1st Right	DLEC	Collaborative	Phase
Num	From Existing Service	To New Service	Change	Same	Change	Same	RQD	Of Refusal	Notification	Priority	Delivered
1	CO HFS – BST owned	Line Splitting – BST owned	X			X	No	No	No	3	2
2	CO HFS – BST owned	Line Splitting – BST owned	X		X			No	Yes	4	2
3	CO HFS – BST owned	Line Splitting – DLEC owned	X			X		No	No	3	2
4	CO HFS – BST owned	Line Splitting – DLEC owned	X		X			No	Yes	4	2
5	CO HFS – DLEC owned	Line Splitting – BST owned	X			X		No	No	3	2
6	CO HFS – DLEC owned	Line Splitting – BST owned	X		X			No	Yes	4	2
7	CO HFS – DLEC owned	Line Splitting – DLEC owned	X			X	No	No	No	3	2
8	CO HFS – DLEC owned	Line Splitting – DLEC owned	X		X			No	Yes	4	2
23	UNE-P	Line Splitting – BST owned		X	New	New		No	No	1	2
25	UNE-P	Line Splitting – DLEC owned		X	New	New		No	No	Avail 6/19/01	1
27	BellSouth Retail	Line Splitting – BST owned	X		New	New		No	No	2	2
28	BellSouth Retail	Line Splitting – DLEC owned	X		New	New		No	No	2	2
17	Line Splitting – DLEC owned	Line Splitting - BST owned	X		X			No	N/A	10	3
19	Line Splitting – DLEC owned	Line Splitting - BST owned		X	X			No	N/A	10	3
20	Line Splitting – DLEC owned	Line Splitting – DLEC owned	X			X	No	No	N/A	11	3
21	Line Splitting – DLEC owned	Line Splitting – DLEC owned	X		X			No	N/A	11	3
22	Line Splitting – DLEC owned	Line Splitting – DLEC owned		X	X			No	N/A	11	3
24	UNE-P	Line Splitting – BST owned	X		New	New		No	No	8	3
26	UNE-P	Line Splitting – DLEC owned	X		New	New		No	No	8	3
33	Resale	Line Splitting – BST owned		X	New	New		No	No	7	3
34	Resale	Line Splitting – DLEC owned		X	New	New		No	No	7	3
35	Resale	Line Splitting – BST owned	X		New	New		No	No	7	3
36	Resale	Line Splitting – DLEC owned	X		New	New		No	No	7	3